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Language and Loyalty: Americanism and the Regulation of Foreign Language Schools in Hawai‘i

In that sore battle when so many died
Without reprieve, adjudged to death
For want of well pronouncing *Shibboleth*.

John Milton, *Samson Agonistes*, 1671

INTRODUCTION

The ancient Gileadites had a method for determining loyalty during war. They used language to identify their enemies. The word *shibboleth* became the touchstone for loyalty. Language identified the Ephramites because of their inability to pronounce the “sh” diphthong.

The regulation of foreign language schools in Hawai‘i similarly positioned language as a standard for loyalty during and after the two great wars of the twentieth century. The attempts to regulate language instruction came during times of great patriotism, not unlike today. A study of the history of regulation of the foreign language schools is instructive in addressing two key questions. First, what are

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the factors that lead a democratic country to curtail the rights of its citizens? Second, how do the citizens whose rights are being curtailed resist the actions of government? The attempts to regulate foreign language schools during the thirty-year period from 1919 to 1949 help provide answers to both questions, and ideally may help avoid history repeating itself. A broader question raised by looking at the experience of Hawai'i in regulating foreign language schools is: Can one become assimilated in the American culture while at the same time maintaining a heritage culture?

Interestingly, the initial move to regulate the foreign language schools in Hawai'i, some would say to regulate them out of existence, came as a response not to the predominant Japanese and Chinese language schools, but to the fledgling schools of the German community in Hawai'i.

THE GERMAN EXPERIENCE

The German community established German language schools in Hawai'i as early as 1882 with the hiring of Friedrich Richter by Lihue Plantation manager Carl Isenberg.¹ A bill introduced and passed in November 1920 to restrict foreign language schools, however, provided a cure for an ailment that no longer existed. The German language schools in Hawai'i had already succumbed by 1918 to wartime public pressure to close.² The reaction went beyond just the language schools. "German was dropped from high schools under pressure from the Vigilance Committee, a member of which was quoted as saying he was in favor of relegating German to the status of a dead language."³ Indeed, during and after the war even German names disappeared. One of the Big Five companies in Hawai'i, H. Hackfeld and Company, was renamed American Factors; Hackfeld subsidiary B.F. Erhlers became The Liberty House.⁴ The ship *Friedrich der Grosse* lost its German moniker, renamed as the ill-fated *City of Honolulu* of the Los Angeles Steamship Company.⁵

AMERICANISM IN HAWAI'I

The victors over the Germans, American soldiers, organized in Paris in 1919 to form the American Legion. Hawai'i was not without its own

contingent of conquering heroes. With 1,201 members, the Hawai'i organization boasted that it was the "largest overseas department of the American Legion." Americanism took center stage in the local department's activities. Indeed, Hawai'i legionnaire Leonard Withington was appointed to head the Americanism committee at the second national convention.⁶ As in communities throughout the mainland United States, the American Legion in Hawai'i sought to extend its enthusiasm generated during wartime. In Hawai'i the organization "early showed its desire to take an active part in the civic life, especially in patriotic and Americanism activities."⁷

One of the civic works of which the local department was especially proud was the organization of the patriotic Society of Citizens of Japanese Ancestry by Frank E. Midkiff.⁸ In 1917 Midkiff also had organized the first company of Americans of Japanese ancestry in the Hawaii National Guard.⁹

While patriotism and citizenship were the central focus of the Americanism movement, the American Legion also had an anti-Asian agenda. In this regard, the local department actually had a moderating effect on the national organization. "They secured modification of the Oriental policy of the Legion, bringing it into closer harmony with Hawai'i's needs and a special resolution pledging the Legion to aid Hawaii in its Americanization activities."¹⁰ West Coast Legionnaires had pressed for stripping citizenship from Asian Americans. Hawai'i's modification would have excluded only new immigrants.¹¹

Americanism went beyond veterans' organizations; even children's organizations played a role in its spread. "The Boy and Girl Scout movement for the benefit of the children has been undertaken and its extension is recommended as the best medium to promote Americanism, and teach loyalty to our country and the plantation."¹²

The Daughters of the American Revolution also pressed for the elimination of foreign language schools, believing that the schools were "not only unnecessary, but a menace to the unity and safety of our nation and the peace and prosperity of our people."¹³ The 1919 statement of the DAR's ironically named Aloha Chapter did not specify Japanese or Chinese schools. They were "unalterably opposed to all foreign language schools of whatever nationality."¹⁴ The national organization went so far as to oppose a language without a nation, the specially created universal language Esperanto.¹⁵ The DAR's

opposition to foreign languages should not be construed as anti-immigrant. The national society published a *Manual of the United States for the Information of Immigrants and Foreigners* in English and 17 languages.¹⁶ The DAR also saw to it that the second generation would have patriotic training, founding the Loyal League.¹⁷ The Honolulu DAR presented American flags to naturalized children, later discovering to its chagrin that the 100 percent American banners were labeled "Made in Japan."¹⁸

While there was much public sentiment opposing foreign language schools, they also had supporters. Indeed, major support for the continuance of heritage language schools in Hawai'i came from an unlikely source who was neither Chinese nor Japanese. Lorrin Andrew Thurston, missionary scion and member of the Committee of Public Safety that overthrew the Kingdom of Hawai'i, supported foreign language schools in his 1920 pamphlet titled "The Language School Question." The regulation of foreign language schools, he concluded, "is not primarily an anti-Japanese or even an anti-Oriental manifestation. It appears to be an outgrowth of the war—an aftermath of just resentment against the propaganda and machinations of Germany and the Germans against Americans. . . ."¹⁹ In his pamphlet Thurston praised the Japanese for defending the Pacific during World War I. He especially applauded the loyalty of the Hawai'i Japanese, noting that when the U.S. removed the exclusion for Asian American veterans to be naturalized, more than 800 applied and 400 were naturalized. He shared a conversation he had with a Japanese American recruit: "Are you willing enough to be willing to go to France and stick a bayonet into a Hun?" "You bet I am!" was the response, with all the fervor and enthusiasm of any Yankee boy!"²⁰

Despite the opposition to regulating foreign language schools, the legislature passed a bill in 1920 doing just that. Tom Brislin, in his monograph *Weep into Silence/Cries of Rage: Bitter Divisions in Hawaii's Japanese Press*, presents the divergent efforts of the Japanese community regarding the attempt to regulate the foreign language schools in Hawai'i. The division in the Japanese press he describes split the community between residents who wanted "*naki neri*," to "weep into silence," that is to "Comply with the unfair regulations lest more severe measures to restrict the Japanese follow," and others who wanted to "rail against racism."²¹

The efforts of the Japanese language schools resulted in the landmark 1927 *Farrington v Tokushige* decision by the U.S. Supreme Court. Chinese historian Him Mark Lai is particularly understated when describing the role of the Japanese in resisting efforts to regulate the language schools. He reports "The situation began to change in 1925, when the Japanese schools that were leading the fight against the foreign-language school law won a favorable judgment in court."²² Lai mentions the rulings in Ninth Circuit Court of Appeals and the U.S. Supreme Court in just two sentences.²³

The high court case, on the other hand, had much greater significance to Governor Wallace Rider Farrington. The court case played a defining role in Farrington's life, so large a role that Thornton Sherburne Hardy devoted two chapters of the governor's 1935 biography to a discussion of the foreign language schools and the Supreme Court case. Hardy optimistically concluded long-term victory for the governor's position: "Generally speaking, the plan is now to let the matter rest, believing that the language-schools will steadily decrease."²⁴

Even outside the courts, Farrington continued his assault on foreign language schools. Under the auspices of the Historical Commission of the Territory of Hawaii, local historians prepared a textbook for public schools titled *A History of Hawaii*. Written in part by Ralph S. Kuykendall, the book included sections entitled "The Problem of Americanization" and "Obstacles to Americanization." One of the obstacles was clearly identified in the next section of the chapter: "Foreign-Language Schools." The textbook justified the attempts to regulate the foreign language schools by referring to a report of the national Bureau of Education. The bureau's report concluded that:

foreign-language schools were "obstacles standing squarely in the road" of the work of Americanization, because of the character of the textbooks used and the qualifications of some of the teachers, and because the study of foreign languages in very young children interfered with their learning the English language.²⁵

A year after the publication of *A History of Hawaii*, the U.S. Supreme Court ruled on February 21, 1927, in the case of *Farrington v Tokushige*, that the state had overstepped its powers in its attempt to regulate the schools. The court wrote: "Enforcement of the act probably

would destroy most, if not all, of [the foreign language schools]; and, certainly would deprive parents of fair opportunity to procure for their children instruction which they think important and we cannot say is harmful."²⁶

The victory in *Farrington v Tokushige* assured that another generation of Americans of Japanese ancestry would learn of their heritage in the Japanese language schools. Retired state of Hawai'i elementary school principal Kazuo Ikeda, age 17 at the time of the decision, credited his Japanese language school teacher with encouraging him to pursue a career in education.²⁷ Another child, born during the court fight, reflected years later on the impact of the schools. Born in 1923, Matsuo Takabuki, stated nearly 75 years later:

While much of my Japanese language and values were passed on to me by my parents, Japanese language school also played a major role. . . . In addition to learning to read and write Japanese, we also studied Japanese history and *shushin*, or the study of ethics. . . . The language schools and our parents instilled a strong sense of Japanese values of duty, loyalty and filial piety. . . . These values were reinforced in the American schools, where the lives of Abraham Lincoln and George Washington were presented to us as American role models"²⁸

Thus it was the melding of Japanese *shushin* and the example of presidents, who led the country during the Revolutionary War and the Civil War, that shaped the young Takabuki, and eventually led to his enlistment during World War II in its most highly decorated unit for its size and length of service—the 442nd Regimental Combat Team.

Less than a month before the start of that war, a guest editorial titled "Why Attack the People of Hawaii?" appeared in the *Honolulu Star-Bulletin* questioning the linking of language and loyalty. J.B. wrote: "It is said that the Japanese maintain their own schools, teach their own language, maintain their traditions and respect those traditions. . . . They are not alone in this."²⁹ The same defender of the language schools, John A. Burns, organized a program during the war that made contact with Japanese Americans regarding Americanism. Burns was thus able to reconcile the requirements of Americanism with a respect for the ancestral heritage. Unfortunately, Burns' insight was not universal.

AMERICANISM REDUX

At the same time, Americanism once again formed the basis for an attack on heritage language schools. Chinese-Hawaiian Senator David Y. Akana made clear the purpose of a new post-war attempt at regulating the foreign language schools, and the source of his actions: "I believe that in the interest of good Americanism these alien schools should never be permitted to reopen. . . ." ³⁰ He was, however, mindful of the earlier successful defense of the language schools through the courts. He added "and I feel that the courts will support any well prepared law to this effect." ³¹ The reference to Americanism is not surprising when the timing is considered. A 10-day Americanism Week ran from Washington's Birthday on February 12 through Lincoln's birthday on February 22. The mayor of Honolulu, Lester Petrie, spoke at a rally opening the week where he emphasized that Americanism "knows no race, nor creed, nor color. It knows no racial ancestry." ³² His sentiment was echoed in advertisements sponsored by Japanese businesses in support of the aims of Americanism. The Japanese-owned Fair Price Cab Company placed just such an ad, entitled "Americanism." It was "dedicated to the American citizens of Japanese ancestry in Hawai'i—especially to the AJA volunteers." ³³ The copy links Lincoln with the patriotic actions of the Americans of Japanese Ancestry: "Abraham Lincoln's Emancipation Proclamation freeing the Negroes and President Roosevelt's sanction of the AJA combat unit both lead to one thought. Regardless of race, color or creed we are all Americans." ³⁴ It also contains a plea regarding language: "Therefore, let us talk American, think American and be proud Americans." ³⁵ Another advertisement for Morizuki Tani's ³⁶ Arcade Delicatessen echoes the message: "Think American, Talk American." ³⁷ The advertisements' plea to Americanism and the use of only English were designed to demonstrate loyalty.

Governor Ingram Macklin Stainback, too, in his message to the legislature on February 17, 1943 (also during Americanism Week) appealed to Americanism. The state's children, he asserted,

must be fitted to take up the responsibilities, they must be instilled with the firm foundation of Americanism, with a knowledge of our his-

tory and our institutions. In this connection I recommend that foreign language schools be regulated and controlled. We should permit no foreign country to send in its priests and teachers and through the medium of language schools teach disloyalty to Americans of alien parentage and inculcate in young Americans beliefs opposed to the fundamental principles of Americanism.³⁸

Stainback, also remembered the last court fight that had drawn his predecessor, Governor Wallace Rider Farrington, into a case that ended up in the U.S. Supreme Court. His comments are not surprising. Stainback served as an army major during World War I. His comrades-in-arms from the Great War formed the American Legion, a major proponent of the efforts supporting Americanism.³⁹ Another veteran's organization, the Veterans of Foreign Wars, had adopted a creed in 1921 that declared it would: "endeavor to bring about the speaking of the language of our country at all times and in all places within the boundaries of the United States" and "favor publication of newspapers of our country in the language of our country and positively discourage as an act of disloyalty the publication of our newspapers in the language of any other country or race."⁴⁰ Stainback optimistically asserted the view that the past court challenges could be overcome. He told the legislators: "I believe legislation in this field can be constitutionally accomplished."⁴¹

THE 1943 LEGISLATION

Akana's promised bill, though introduced during the 1943 legislative session, did not result in the final restrictive bill. Midway through the session Akana died. His legacy of Americanism, however, lived on in his supporters. The Chinese community remembered him for "encouraging them by his loyalty and courage to establish a high degree of Americanism among residents of Chinese ancestry."⁴² A second bill, introduced by state senator V.A. Carvalho, restricted foreign language schools from teaching a foreign language to children under the fourth grade, or under 15 if the student did not maintain an above average grade in English school.

The link between loyalty and language was even more clearly delineated in the House version of the bill. The "original house bill

contained a loyalty oath, but the house later decided to delete it as the loyalty oath applied only to government employees and foreign language school employees are not government employees."⁴³ The link between language and loyalty took an even more inflammatory tone in a letter to the editor whose author hid behind the pseudonym "Hopeful." The anonymous writer praised Akana's actions and directly questioned the loyalty of the Japanese because of their support of the foreign language schools:

Much has been written recently on the loyalty of American citizens of Japanese ancestry within the Territory. Why is it that these citizens, as a group, have made no move to publicly denounce these un-American institutions? . . . There has been more than sufficient time, since the outbreak of hostilities, for them to publicly go on the record in denouncing the Jap language schools and Shinto temples as being decidedly un-American. Such action on their part would go a long way in proving their right to the privileges of American citizenship.⁴⁴

The bill was signed into law by Stainback on May 1, 1943.

Even among the supporters of Americanism and the Speak American movement, the 1943 law went to an uncomfortable extreme. The *Hawaii Chinese Journal*—David Akana had served as its vice president—noted in an editorial:

For nearly six years, The *Journal* has been a strong supporter of the Speak American movement. But any movement, no matter how good, becomes absurd when carried to an extreme. And it is up to us, as citizens with a lot at stake, to do all within our power to prevent the sowing of discord and prejudice no matter what the banner.

The editorial especially complained of "too much emphasis on an overnight change and a desire to force a change by legislation."⁴⁵

The Speak American movement, nevertheless was in full swing. Five months after the bill signing a Speak American Campaign was "launched on Oahu by the emergency service committee, a group of Americans of Japanese ancestry headed by Masaji Marumoto."⁴⁶ The show of loyalty was curiously juxtaposed with the wartime destruction of the Japanese language schools. A day later the state attorney general met with a group led by Marumoto and Dr. Shunzo Sakamaki.

The state attorney general “assured them that the assets of the Japanese language schools [could] be liquidated and turned over to any worthwhile project designated by representatives of the schools.”⁴⁷ The Harvard Law School-educated, 37-year-old, Marumoto would enlist that same year, rising to the rank of 1st Lieutenant.

FOR THE SAKE OF THE CHILDREN

Proponents of the 1943 bill cloaked their true purpose under the child protection mantle. The legislative findings for the act declared:

that the study and persistent use of such foreign languages by children of average intelligence in their early year and formative years definitely detract from their ability properly to understand and assimilate their normal studies in the English language, which are required by law to be pursued by all children of school age, and definitely retard their progress in understanding and assimilating such studies. . . .⁴⁸

UNVOICED OPPOSITION

Introduction of the Foreign Language School bill in the midst of war made certain that no opposition to the bill would be voiced. After all, who would defend schools of enemy aliens from regulation? Even the committee reports noted that the schools had been closed since the outbreak of hostilities. Him Mark Lai notes: “After the war, members of the Japanese American community were understandably sensitive about reestablishing Japanese cultural institutions that might regenerate wartime fears about Japanese Americans’ loyalties.”⁴⁹ It is not surprising, then, that the litigation regarding the act was stalled until after the end of the war, and that the Chinese, America’s wartime allies, would lead the restoration attempt.

At first the Chinese community attempted to reestablish Chinese language teaching through the governmental channels available. Shortly after the end of the war, the principal of Mun Lun school met with the head of the Department of Public Instruction to start up private Chinese instruction by an individual and two months later was granted a license.⁵⁰

In considering the alternative to working with the government—litigation—the issue of damages had to be considered. Damages

would be hard to prove. The *Hawaii Chinese Journal* recorded that former Mun Lun school teachers had gone on to better compensated positions. The arguments instead focused on the rights of parents to educate their children as they saw fit, and the monetary losses of the schools themselves. The plaintiffs were the school, two parents and three children. The lead plaintiff, the Chinese school, was designated by the romanization of the Chinese characters for the name, thus the unwieldy *Mo Hock Ke Lok Po*.

AN EARLY VICTORY

The plaintiffs in *Mo Hock Ke Lok Po v Stainback* scored an early victory before a three-judge appeals panel, which issued an injunction stopping the implementation of the law. Although Shimada indicates that most Japanese believed that because of the decision in *Farrington v Tokushige* that the “verdict would not be reversed,” the outcome was far from certain.⁵¹

The arguments that the state made before the Supreme Court took two directions. The first was that the Appeals Court lacked jurisdiction. The second, was that they were correct in their contention that foreign language schools were harmful to children. To bolster their second point the state cited studies concerning the poor English skills of Hawai‘i students. It was an argument that would come back to haunt them because the state’s own arguments before the U.S. Supreme Court were framed by opponents of the law. Opponents of the law changed the paradigm of who was foreign by shifting the meaning from non-American to non-local. “Not only is it evident to every *kamaaina* that such a claim has no basis in fact, it is also an insult to the *people of Hawaii* [italics mine],” wrote the *Hawaii Chinese Journal*. Thus Stainback, the Washington-appointed, Somerville, Tennessee native, was made the foreign other.

Despite the best efforts of A.L. Wirin of the American Civil Liberties Union, the justices of the U.S. Supreme Court ruled on a technicality that three-judge Appeals Court panel lacked jurisdiction over the territorial matter.

With the victory for the Territory in U.S. Supreme Court, the efforts of the Chinese might well have seemed for naught. The Chinese, however, marshaled forces to attack on a new front—the leg-

islative arena. The *Hawaii Chinese Journal* also expanded the circle of supporters, saying "the attempt of the people of Honolulu to have the foreign language school law declared unconstitutional has undergone, not a setback, but a change of plans."⁵²

Because of the timing of the Supreme Court decision, the new plans had to be put on the fast track. The March 14, 1949 decision came in the midst of the Hawai'i territorial legislative session. Backers of repeal would have to act swiftly to reverse a law that six years earlier had been passed by nearly unanimous votes. Indeed, only absent legislators had failed to vote in favor of the Foreign Language School bill. The decisive strategy to achieve the goal of repeal was to demonstrate the popular support for foreign language schools to politicians. Once again the Chinese recognized their inability to effectuate change alone. With only a little more than 30,000 in Hawai'i listed as Chinese in the 1950 U.S. Census, they recognized the need for a broad-based coalition. Their six percent of the population would not redirect the legislature's political will by itself.

PETITION

The turning point on legislative front came with the filing of a petition with between 30,000 and 50,000 signatures. The petition came at the initiative of the *Hawaii Chinese Journal*. In an editorial titled "Wanted, 50,000 Signatures," the *Hawaii Chinese Journal* framed the petition, not as a restoration of foreign language schools, but instead "for the return of constitutional rights."⁵³ Kongsum Lum, editor of *Hawaii Chinese in the Foreign Language School Case*, described the petition drive:

In two weeks, the people throughout the Territory signed more than 50,000 names on the petition. When the sheets of the petition were stacked together, they stood five feet high! As the petition was brought before the Legislature, it stirred the surprised officials, and without a doubt, it influenced their attitude toward the measure.⁵⁴

The true numbers will never be known. According to a state archivist, the Hawaii State Archives "weeded" the petition in 1994, leaving only 32 pages. The remaining signatures offer a tantalizing glimpse of the multi-ethnic coalition that challenged the Foreign Language School

Act. The extant petition pages include: Lorin T. Gill, co-author with Ralph Kuykendall of *Hawaii in the World War* and mother of future Lt. Gov. Thomas P. Gill; Herbert Horita, future real estate developer who was then a University of Hawai'i student; and Tom Sam, half-brother of the author's great-grandmother. The other names reflect the outpouring of Japanese support for the repeal; surnames like Himeda, Okimoto, Kamisato, Toda, Aoki, Uyeda, Misaki, Hirota, Oyama, Nozaki, Sumida, Akiyama and Enomoto. Yoshiko Hokama initially signed in Japanese but crossed out the characters and replaced them with her English signature.

Whether the count of 50,000 signatures reported by the petitioners, or the approximately 30,000 reported by the legislature, is correct does nothing to diminish the magnitude of the endeavor. To put the petition in perspective, during the same session 12,261 residents of Oahu petitioned the legislation to terminate the waterfront strike.⁵⁵

The legislative relief sought by the foreign language schools only came about because of a multicultural coalition. Chinese-American Hiram Fong, speaker of the Hawai'i State House of representatives, introduced "An Act relating to the teaching of foreign languages and amending Chapter 31, Revised Laws of Hawaii 1945" along with 25 other members of 30 total. The names of the co-sponsors of the bill reflect the multi-ethnic composition of the House of Representatives: Kauhane, Pule, Trask, Seong, Arashiro, Nielsen, Hind, Andrews, Lydgate, Ezell, Garcia, Itagaki, Kawakami, Ichinose, Marcallino, Kido, Noda, Apaka, Yamauchi, King, Olds, Paschoal, McGuire, Sakakihara and Miyake. In line with the Americanism of the time, the bill contained a provision that "no teacher shall teach anything contrary to the principles of democracy." The bill was referred to the education committee headed by Representative Flora Hayes. Hayes lived on Emerson Street, a street renamed from Hackfeld Street during the anti-German hysteria following World War I.

Two other bills that would have repealed, rather than amended, the offending chapter failed to get a second reading thereby killing the measures. The first, House Bill 790, was introduced by Democrats Kauhane and Pule in the Republican-controlled house. The second, introduced by Republican Ichinose, five other Republicans and eight Democrats, also failed to clear the key second hurdle. On April 12, 1949, the senate returned the surviving House Bill 1000

deleting the "democracy" clause. The House unanimously approved the amended version and forwarded it to the governor.⁵⁶ On April 25, 1949, forty-two days after the U.S. Supreme Court ruling, Governor Stainback signed the bill into law as Act 72.⁵⁷

The *Hawaii Chinese Journal* acknowledged that the successful effort went beyond the Chinese community. Besides the petition, "the cooperation of the Japanese schools" also contributed to the "rapid progress of the amendment in the legislature."⁵⁸ In "Wartime Dissolution and Revival of the Japanese Language Schools in Hawaii: Persistence of Ethnic Culture" the author makes scant mention of the Chinese role, mentioning only that the "Territorial legislature passed a new law and liberalized restrictions on the teaching of foreign languages in 1949."⁵⁹ The official record of World War II in Hawai'i, Gwenfreed Allen's *Hawaii's War Years, 1941-1945*, makes only a tangential reference to the post-war efforts to reopen the schools. Outside the chronological scope of book, Allen writes "no attempt to re-establish either of these school systems was made until after the war, when some of them, both Japanese and Chinese, were reopened."⁶⁰ Allen's book also continues the wartime rhetoric in justifying the closing of the schools. "Efforts had been made for years to control their nationalistic teachings, but the schools and temples had continued to strengthen Japanese cultural ties."⁶¹

CONCLUSION

The linkage of language and loyalty transcends the racial and national bounds that Americanism sought to establish. A second-generation Chinese-Hawaiian state senator David Akana wanted to eliminate the foreign language schools. His Caucasian-Hawaiian wife and state senator after his death introduced a bill to repeal the restrictions. Despite events in their ancestral homelands, such as the Nanjing Massacre, Japanese and Chinese in Hawai'i put aside their differences and worked together on the petition effort.

By framing the foreign language school case as common ground, Chinese Americans triumphed over forces determined to eliminate traces of their heritage, and beyond that the heritage of all Americans.⁶² The decision of the three-judge panel stripped away the notions of East and West from the "foreign" language school case.

"The right to impart instruction . . ." wrote Judge William Denman, "is beyond question, part of one's liberty as guaranteed against hostile state action by the Constitution of the United States." By embracing the democratic institutions as the channels of change, the Chinese protected the rights of all Americans. "It is unfortunate," wrote Wai Yuen Char, attorney for the Chinese schools, "that vindication in the courts of rights guaranteed for all involves expensive litigation, and a generous recognition should be accorded to those who would bear this burden for their efforts result in a benefit not only to themselves but to all the community." Demonstrating their Americanism, the Japanese and Chinese Americans properly lifted up the Constitution, not language, as the touchstone of loyalty.

NOTES

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- ³ Hormann 64.
- ⁴ Ralph S. Kuykendall and Lorin T. Gill, *Hawaii in the World War* (Honolulu: The Historical Commission, 1928) 433-34.
- ⁵ William Lowell Putnam, *The Kaiser's Merchant Ships in World War I* (Jefferson, NC: McFarland, 2001) 136. The *City of Honolulu* burned and was sunk 400 miles from Honolulu on Columbus Day 1922. (136) Another German ship, *Prinzess Alice*, also renamed the *City of Honolulu* burned in Honolulu on May 25, 1930 (146).
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- ⁷ Withington 87.
- ⁸ Withington 88.
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- ¹⁰ Withington 87.
- ¹¹ Withington 87.
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- ¹⁴ Lai 2.
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- ¹⁷ Ferguson 206.
- ¹⁸ Ferguson 212.
- ¹⁹ Lorrin A. Thurston, *The Language School Question* [Honolulu: 1920] 5–6.
- ²⁰ Thurston 15.
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- ²³ Lai, "Retention of the Chinese Heritage: Chinese Schools in America before World War II," 21.
- ²⁴ Thornton Sherburne Hardy, *Wallace Rider Farrington* (Honolulu: Star-Bulletin Ltd., 1935) 126.
- ²⁵ Ralph S. Kuykendall and Herbert E. Gregory, *A History of Hawaii* (New York: Macmillan Company, 1926) 327. Interestingly, the 1929 Hawaiian edition of *The Music Hour: Fourth Book* featured the "Kimigayo," the national anthem of Japan.
- ²⁶ *Farrington v. T. Tokushige*, 273 U.S. 284 (1927), FindLaw for Legal Professionals, Available: <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=273&page=284>, 26 March 2006.
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